

# **New Mexico Court Interpreter Program**

## **Procedures for Processing Complaints Regarding Interpreter Conduct & Performance**

(Approved by the New Mexico Court Interpreter Advisory Committee, November 12, 2010)

Court interpreters must conduct themselves in a manner consistent with the Code of Professional Responsibility for New Mexico Court Interpreters, <http://www.nmcourts.gov/newface/court-interp/guidelinesandpolicies/codeofconduct.pdf> at all times and for Signed Language Interpreters, [NAD-RID Code of Professional Conduct](#). If you have questions regarding an ethical dilemma, please consult these two documents.

### **I. Before Filing a Complaint:**

- Try approaching the interpreter and sharing your concerns. Often, this will resolve the situation.
- Consider talking with his or her supervisor or the court representative responsible for contracting or arranging the interpreter to express your concerns.
- If you have exhausted all avenues of conflict resolution, please consider the following as you frame your complaint.

### **II. Complaint Requirements:**

A complaint:

- Must be based on the possible violation(s) of the official NAD-RID Code of Professional Conduct or the Code of Professional Responsibility for New Mexico Court Interpreters
- Must be filed due to an incident related to the provision of interpreting services
- Must describe an incident that occurred after the interpreter's services were contracted through a verbal or written agreement and may involve paid or volunteer interpreter service
- May be filed as a result of the contracted interpreter's conduct prior to, during, or after an interpreting assignment
- May be filed only by a person who has direct knowledge of or involvement in the interpreting situation in which the alleged violation occurred

### **III. Timeframe for Filing a Complaint:**

- A complaint must be received within 90 days of the alleged violation. The 90-day filing limit applies to when the alleged violation(s) occurred, which is not necessarily the time of the actual interpreting.
- A complaint involving an interpreter should be submitted according to the structure below to the Statewide Program Manager, Language Access & Jury Services, NM Administrative Office of the Courts, [aocpjs@nmcourts.gov](mailto:aocpjs@nmcourts.gov)

- In addition to considering all complaints according to this policy, AOC will also forward complaints involving a signed language interpreter to New Mexico Regulation and Licensing Department.
- A complainant may also submit a complaint involving a signed language interpreter to the national office of the Registry of Interpreters for the Deaf:
  - [Online](#) – Create an RID account or log-in to your existing account to file a complaint. You can submit a transcribed or videotaped narrative using the online system. If you are not sure about your complaint or have unanswered questions, [contact EPS staff](#) BEFORE filing online.
  - By mail or fax – [Print the Complaint Filing Form](#) and send materials to:  
Ethical Practices System  
RID National Office  
333 Commerce Street, Alexandria, VA 22314  
Fax: (703) 838-0454

#### **IV. Structure of a Complaint:**

A person filing an official ethics complaint must be sure that the complaint includes all of the necessary items, which includes:

- Who is the person filing the complaint (the complainant)?
- Who is the interpreter?
- When and where did it happen?
- What happened?
- A statement that describes how the alleged misconduct violated the NAD-RID Code of Professional Conduct or the Code of Professional Conduct for New Mexico Court Interpreters and how it negatively impacted the interpreting situation. Specific tenets should be cited. The statement must include the following applicable items:
  - A complete narrative of the alleged misconduct.
  - A description of how the interpreter’s alleged misconduct adversely affected the situation or parties involved.
  - A list of and detailed description of intended sources of evidence (witness statements, documentation, affidavits, etc.) that can be used to support the allegations. The list (not the evidence itself) must be included with the initial complaint. The evidence may be submitted later in the process, if necessary.
  - A summary of other actions, if any, taken to resolve this matter prior to filing a complaint.
  - The status of legal action underway, at the time of filing, related to this matter.

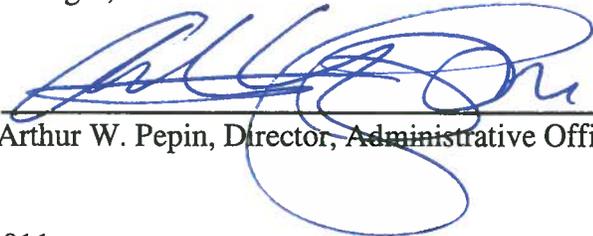
#### **V. Complaints Submitted to the AOC:**

1. The AOC will conduct a review of the complaint with the Court and with the interpreter to determine if there has been a violation of the Code of Professional Responsibility. The AOC may consult with members of the Court Interpreter Advisory Committee, the Consortium for Language Access in the Courts, and the AOC General Counsel in making this determination. The AOC may assign an interpreter observer to observe the interpreter in court.

2. Based on this review, the AOC may request that the interpreter take certain remedial action, e.g. attendance at an ethics seminar, court observation, mentoring.
3. Depending on the nature of the violation, the AOC, at its discretion, may temporarily suspend the interpreter from working as such in the New Mexico state courts.
4. Based on this review and the interpreter's compliance with remedial action required, if it is determined that further disciplinary action is warranted, the interpreter and the court managers will be informed of such action and whether it affects the interpreter's status on the New Mexico Directory of Certified Court Interpreters.
5. The interpreter may choose to challenge the AOC's action in response to a complaint made against them. The interpreter and their representative, should they so choose, will then have the opportunity to meet with a Complaint Review Board. The Court of Appeals Mediator will be responsible for appointing the Review Board from among the members of the Court Interpreter Advisory Committee and other qualified parties.
6. The decision of the Review Board will be presented to the Court Interpreter Advisory Committee for review and comment prior to approval by the Committee for submission to the AOC Director. The decision of the Director is final.
7. The AOC will maintain complaint files for a period of five years. If an interpreter receives subsequent complaints, each complaint will be reviewed as specified above. If said review shows the same violations as the first, the interpreter will be subject to additional action and possible removal from the Directory of Certified Court Interpreters. If the review highlights different canon violations, the interpreter will be subject to additional action.

**Section VI: Suspension from the NM Directory of Certified Court Interpreters**

1. As part of remedial action or in the event an interpreter fails to comply with AOC or RID directives, he/she may be suspended for up to six months.
2. During the suspension period he/she will not be permitted to accept interpreting assignments from the New Mexico Judiciary.
3. An interpreter who is under suspension status and accepts an interpreting assignment **WILL NOT BE PAID** for said assignment.
4. When an interpreter is suspended from working in the courts, all interpreter coordinators and court managers will be notified and instructed that the interpreter is not available at this time. When this changes, these individuals will also be notified.

  
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Arthur W. Pepin, Director, Administrative Office of the Courts

Effective: January 1, 2011

## AOC COMPLAINT REVIEW FORM

Date and Place of Alleged Violation and Interpreter

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Date and Time of Interview

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Individual Interviewed/Interviewee's Position:

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Interviewer: \_\_\_\_\_

**Background** (how is the interviewee relevant to the situation; what is/has been their relationship to the interpreter, etc.)

**Observations Re Incident:**

**Observed Compliance with Professional Code of Responsibility (cont on next page):**

<b>CANON</b>	<b>In Compliance</b>	<b>Not in Compliance</b>	<b>Not Applicable</b>
1. Acts strictly in the interest of the Court			
2. Proper court decorum and respect to official & officers of the Court			
3. Avoids professional or personal contact that would discredit the Court			
4. Maintains confidentiality			
5. Reports conflict of interest			
6. Informs Court of impediments to observing Code of Professional Responsibility			
7. Works unobtrusively			
8. Interprets accurately and with impartiality			
9. Avoids in appropriate contact with all case participants			
10. Refrains from giving advice and expressing personal opinions			
11. a. Accurately states qualifications			

11 b. Preserves level of language use and requests clarification as necessary			
12. Accepts nothing, expect AOC payment, for interpreting services			
13. a. Supports other interpreters			
13. b Does not use court contacts or information for personal gain			

**Additional Comments:**

**Reviewed by:**

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**Interviewee – Name & Signature**

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**Date Signed**

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**Interviewer**

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**Date Signed**

# New Mexico Administrative Office of the Courts Interpreter Observation

Name of Interpreter being observed \_\_\_\_\_

Date of Observation \_\_\_\_\_

Language Observed \_\_\_\_\_ Name of Judge \_\_\_\_\_

Court \_\_\_\_\_

Case Name \_\_\_\_\_ Case Number \_\_\_\_\_ Case Type \_\_\_\_\_

Name of Observing Interpreter \_\_\_\_\_

## EVALUATION

### Language proficiency

Was the interpreter easily understandable in both languages?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Were there any problems with vocabulary, grammar, or rendering of idiomatic speech?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples:

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### Interpreting skills

Was the appropriate mode of interpreting used?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Could the interpreter keep up without omitting or summarizing what was said?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Was the register of speech preserved?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Were names and numbers accurately conserved?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples:

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Date discussed with interpreter \_\_\_\_\_

Supervisor Recommendation - Follow-up: 6 months  12 months  ASAP

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Signature of Interpreter (following discussion)

\_\_\_\_\_  
Signature of Observing Interpreter

Date \_\_\_\_\_

Date \_\_\_\_\_